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government attorneys:

the settlement under consideration fails almost completely in every way.

first of all, in addressing the problem of anti-competitive behavior, the settlement hardly restricts microsoft at all. most of the clauses will be easy to get around or ignore, and very hard to prove in the case of transgression. judge jackson had it right; splitting microsoft into separate software and operating system companies would have a much greater and positive impact.

secondly, concerning the damages. \$1 billion is a drop in the bucket to microsoft, who has \$40 billion in cash. punitive measures should be punitive. furthermore, allowing them to pay in kind undermines the already frivolous damages, while simultaneously allowing them to gain unfair market share in the very act of being punished. all damages should be paid in cash, and the amount should be enough to sting a bit, say \$20 billion (half their cash reserves). furthermore, the money from the damages should be prohibited from use to purchase microsoft products; this is only fair, as microsoft has many years of unfair advantage under their belts, and all software/hardware purchased with these funds should go to even the scales. the money could be used both for educational purposes, and to fund non-microsoft affiliated high-tech startups (since they destroyed so many of them).

really, though, why settle at all. let the case go to the supreme court. let's see if america can do the right thing for once, or if it will allow legalistic maneuver to undermine justice on the grandest possible scale.

theodore roosevelt would turn over in his grave if he saw the travesty that our legal system has become.

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